

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NEXT Payment Solutions, Inc.,

Civil No. 17 CV 8829

Plaintiff,

v.

Honorable Steven C. Seeger

CLEARResult Consulting, Inc.,

Defendant.

**THE PARTIES' STIPULATED MOTION TO MODIFY THE FINAL PRETRIAL
ORDER SUBMISSION DATE AND THE MOTIONS IN LIMINE DUE DATES**

On behalf of the parties, Plaintiff NEXT Payment Solutions, Inc., by and through its counsel, submits this stipulated motion to modify the final pretrial order due date and the motions in limine due dates set out in the Court's June 11, 2021, Scheduling Order (Dkt. No. 459). Defendant CLEARResult Consulting Inc. previously filed a Motion to Modify Scheduling Order on September 8, 2021. Dkt. No. 465. Plaintiff opposed (Dkt. No. 466) that motion because the reason Defendant gave for modifying the Scheduling Order was to give the Court time to rule on Defendant's concurrently filed Motion in Limine to Exclude Argument or Evidence in Support of an Unjust Enrichment Claim Premised on Proprietary Information. Dkt. No. 460. It was Plaintiff's position that it did not need to respond to Defendant's Motion in Limine until the date set in the Court's Scheduling Order for responding to MILs, which was November 22, 2021. Dkt. No. 466. As such, Plaintiff did not believe a modification to the Scheduling Order was needed or justified.

After Plaintiff filed its response to Defendant's Motion to Modify Scheduling Order, the Court instructed Plaintiff to respond to Defendant's MIL by September 27, 2021. Dkt. No. 467. The parties have completed their briefing on Defendant's MIL and await the Court's ruling,

which may affect how one or both of the parties prepare their pretrial documents. Accordingly, the Partis have joined in this motion to request that the Court's Scheduling Order be modified as follows:

1. The final pretrial order due date moved from November 8, 2021 to December 2, 2021; and
2. The motion in limine due date moved from November 8 2021 to December 3, 2021; and the response to motions in limine due date moved from November 22, 2021 to December 17, 2021.

The parties are not asking the Court to modify any other date in its Scheduling Order, including the final pretrial conference date, set for January 13, 2022, or the trial date, set for January 31, 2022.

CONCLUSION

For the foregoing reasons, NEXT respectfully requests that the Court deny CCI's motion in its entirety.

Dated: October 18, 2021

Respectfully submitted,

PADMANABHAN & DAWSON, P.L.L.C.

By: /s/ Devan V. Padmanabhan

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